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10 CHURCH OF SCIENTOLOGY INTERNATIONAL

RECEIVED
JUN 20 1994
HUB LAW OFFICES

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF LOS ANGELES

13 CHURCH OF SCIENTOLOGY)
14 INTERNATIONAL, a California)
15 not-for-profit religious)
16 corporation,)

15 Plaintiff,

16 vs.)

17 GERALD ARMSTRONG; DOES 1)
18 through 25, inclusive,)

19 Defendants.)
20

21 AND RELATED CROSS-ACTION.)
22

Case No. BC 052395

[PROPOSED] ORDER RE SUMMARY
ADJUDICATION OF ISSUES
OF THE SECOND AND THIRD CAUSES
OF ACTION OF THE CROSS-
COMPLAINT

23 This matter came before me on the motion by Cross-Defendant Church of
24 Scientology International for summary adjudication of the second and third causes
25 of action of the cross-complaint brought pursuant to Code of Civil Procedure
26 Section 437c(f). Having read the papers, both in support of and in opposition to
27 the Motion, and having heard argument of counsel, and for good cause shown,

28 IT IS HEREBY ORDERED that:

1 1. The actions alleged to have been undertaken by Cross-Defendant are
2 either barred by the Statute of Limitations or do not constitute misuse of process
3 and therefore the Second Cause of Action of the Cross-Complaint for abuse of
4 process is dismissed.

5 2. The Mutual Release of All Claims and Settlement Agreement does not
6 preclude Cross-Defendants from the conduct allegedly constituting the breach
7 alleged in the Third Cause of Action of the Verified Amended Cross-Complaint for
8 Declaratory Relief, Abuse of Process and Breach of Contract (the "Cross-
9 Complaint"), and therefore the Third Cause of Action of the Cross-Complaint for
10 breach of contract is dismissed.

11 Dated: August __, 1994

HONORABLE DAVID HOROWITZ
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On June 14, 1994 I served the foregoing document described as [PROPOSED] ORDER RE SUMMARY ADJUDICATION OF ISSUES OF THE SECOND AND THIRD CAUSES OF ACTION OF THE CROSS-COMPLAINT on interested parties in this action,

[] by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

[X] by placing [] the original [X] true copies thereof in sealed envelopes addressed as follows:

PAUL MORANTZ
P.O. Box 511
Pacific Palisades, CA 90272

FORD GREENE
HUB Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

[X] BY MAIL

[] *I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

Executed on June 14, 1994 at Los Angeles, California.

[] **** (BY PERSONAL SERVICE)** I delivered such envelopes by hand to the offices of the addressees.

Executed on _____, at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Print or Type Name

Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)